

TOWN BOARD MEETING
JANUARY 20, 2005 - 7:00 PM

The meeting was called to order by Supervisor Hundt at 7 p.m.

Salute to Flag was conducted.

Emergency Exits were pointed out by the Supervisor.

Roll Call:

Councilman Devine	Present
Councilman Russell	Present
Councilwoman Doyle	Present
Councilman Carroll	Present
Supervisor Hundt	Present

PUBLIC COMMENTS

1. Orpha Thomas representative for senior citizens, announced that she had received a grant for \$60,000 and that a van would be on the road by April 1. The van will transport people age 55 and older to doctor appointments, drug stores, social events, and shopping in Poughkeepsie and elsewhere. Costs include one paid driver per week plus gas and repairs. Anyone wishing to volunteer should call Ann Sheely at Northeast.
2. Mike Thomas lamented that Town Board meetings have become Board Bashing meetings. He reviewed some items from the workshop meeting.
3. Wayne Euvrard thanked the Highway crew for snow clean-up. He went on to congratulate Mike Woyton of the Poughkeepsie Journal for reporting on the 24% tax increase. Wayne asked for an explanation of the tax increase. He then continued to list the salaries of several town employees.

Councilman Carroll responded by saying that he was embarrassed by the budget outcome and that the Town Board had been misled. A CPA firm has been contacted to investigate.

Supervisor Hundt added that when the Town Board voted on the budget, they were told that the taxes would go up 4 percent. Taxes in the past few years did not go up because some items were omitted from the budget necessitating budget amendments later on. Also, the auditors were here for six months last year, and will have some recommendations.

Councilwoman Doyle explained that the 2004 budget had some serious omissions including \$30,000 debt service and \$70,000 landfill debt. State retirement expenses were also way more than anticipated (\$48,000 in 2004).

Councilman Devine expressed the opinion that budget development did not happen as he expected it to this year.

4. Michael Collins questioned how "business friendly" Amenia is. Six months ago he asked that a sidewalk drain be cleaned, but he

eventually ended up cleaning it himself.

5. Jean Rebillard commented that citizens should be able to get information without FOIL (Freedom Of Information Law) requests. She went on to remark that according to Chet Roberts at the NYS Comptroller's Office, money cannot be moved out of a contingency fund without a board resolution. According to Jean, \$80,000 from the contingency fund was spent on items from Fountain Press, Food Town, Viking Supplies, CableVision, Judy's Flower Shop, etc.

Supervisor Hundt thanked Jean for bringing up this issue. The town is working with a CPA firm and Chet Roberts with a goal of complete compliance.
6. Brad Rebillard invited everyone to let their voices be heard.
7. Ken Pomeisl discussed the topic of baseball and the Amenia Monarchs. This was a mostly men's league which was active from the 1920's to the 1990's. Ken would like to start it up again. He is requesting that the ball field lights be on one night a week; he is not requesting any money.
8. Peter Clair commented on the accountability of the Town Board and the fact that the more open government is, the better. He also questioned why the newspapers were not notified [of the tax increase] before the tax bills went out. He also acknowledged that he had received all the information he had requested via FOILS.
9. Evelyne O'Connell asked about the consultant hiring process, particularly Joel Russell. Supervisor Hundt responded that the whole board conducted two interviews and Joel Russell was hired and given a contract. Evelyn questioned the amount paid to Joel Russell, up to a cap of \$40,000. Michael Hayes explained that for technical consultants, a bid process is not used.
10. Betty Rooney commented that the proper zoning was never put in place after the last Master Plan. Perhaps if we had consultants at that time, we would be in less trouble now. She went on to commend the Town Board for trying to bring things up-to-date that have been neglected for years.

WEBUTUCK SCHOOL DISTRICT (WSD) PRESENTATION

Dr. Nick Johns, Superintendent, reported:

There is currently no long-range facility plan at WSD. He has an eleven point philosophy:

- (1) Children must have good schools.
- (2) Good schools are not defined by the rooms they are in.
- (3) Good schools are defined by the quality of instruction.
- (4) Good instruction can overcome bad facilities.
- (5) Good facilities cannot overcome bad instruction.
- (6) Good facilities facilitate good instruction.
- (7) Bad facilities promote bad behavior.
- (8) Facility planning is better than no planning. No plan leads to bad decisions.
- (9) Communities are responsible for the quality of their school facilities.
- (10) Bond elections are a poor time to plan.
- (11) Planning requires community involvement.

WSD is doing a long-range plan, which can be found on the school website and in the library. Dr. Johns responded to various questions from the audience.

MOTION TO GO INTO EXECUTIVE SESSION

MOTION: C/Devine
SECOND: C/Carroll
ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE
MOTION CARRIED 5 to 0.

MOTION TO RETURN TO REGULAR MEETING

MOTION: S/Hundt
SECOND: C/Carroll
ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE
MOTION CARRIED 5 to 0.

RESOLUTION # 1 OF 2005 - REQUEST FOR SPEED REDUCTION

Supervisor Hundt received a letter requesting that the speed limit in front of the Amenia Elementary School be reduced to 15 mph. Councilwoman Doyle then read a prepared resolution to that effect.

MOTION: C/Doyle
SECOND: C/Carroll
ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE
MOTION CARRIED 5 to 0.

Supervisor Hundt mentioned that a form and letter would need to be sent to the NYS Department of Transportation.

BUILDING DEPARTMENT REPORT

Michael Segelken reported:
1. A new fee schedule has been adopted.
2. Fire inspections have been started.
3. Drug World fire inspection has been done and CO (Certificate of Occupancy) issued.

NANCY BRUSIE HOURS

Supervisor Hundt noted that the Reorganization Meeting write-up had the wrong hours for Nancy Brusie. The hours should have been stated as "15-20 hours as needed". A motion was made to amend the Reorganization Minutes to reflect this change.

MOTION: S/Hundt
SECOND: C/Carroll
ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE
MOTION CARRIED 5 to 0.

MOTION TO HIRE ACCOUNTANT

Councilman Carroll said that the town had passed a resolution to hire an accountant for a quarterly review but the money is not in the Town Clerk part of the budget. Supervisor Hundt said that she will look into it and the money may be in another part of the

budget. Councilman Carroll moved that Supervisor Hundt obtain all bank statements for all interest-bearing accounts held in the name of the Town of Amenia and make all documentation available for review by all Town Board members by Wednesday January 26, 2005.

MOTION: C/Carroll
SECOND: C/Devine
ROLL CALL: C/Carroll - AYE C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 5 to 0.

TOWN JUSTICE VACANCY / RESOLUTION #2 OF 2005

Michael Hayes explained that if the County Board of Elections decides that the vacancy is not a "failure to qualify" situation, then the town could make an appointment after January 31, 2005, rather than conduct a special election.

Supervisor Hundt thanked Justice Norman Moore for picking up the slack created by the passing of the Honorable Justice James Murphy. She also reported that Justice Moore has been receiving the salary for both justices, although a formal resolution to authorize this was not on the books. This was the result of a failure to communicate with the bookkeeper. Supervisor Hundt then read Resolution #2 of 2005 authorizing that Justice Moore be paid the salary for both justices during the vacancy, to compensate him for substantial additional services. This increased salary shall cease when the vacancy is filled.

MOTION: S/Hundt
SECOND: C/Russell
ROLL CALL: C/Carroll - NAY C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 4 to 1.

COMMENTS: Councilman Carroll commented that Justice Moore deserves this money but that it was not done properly. Councilman Devine commented that authority was taken by someone with a good heart.

SILO RIDGE CPIC WORKSHOP

Supervisor Hundt announced that there would be a workshop at Silo Ridge on Saturday from 9:00 to 3:00, with a snow date on Sunday. Councilwoman Doyle will leave a message on the Town Hall answering machine instructing citizens where to call to check on the status of the workshop. Councilwoman Doyle said that the food would be donated by Tony Robustelli but that some money was needed for signs (\$60) and maps for the break-out sessions (\$30). She moved that up to \$200 in expenses be authorized from account A00 07 8020 430.

MOTION: C/Doyle
SECOND: S/Hundt
ROLL CALL: C/Carroll - AYE C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 5 to 0.

MAXON MILLS

Councilman Devine initiated a discussion about the Maxon Mills property. Town Code 44-5 deals with determination of unsafe conditions. Michael Hayes explained that any notice the Town sends out must enumerate specific details of the building. It is probably best to have a structural engineer do an inspection first (including under-water areas), and then send the notice based on that report. There are only two ways to get access to the property, either by owner consent or asking the court for permission. The court will decide in our favor if the town has made a sufficient case.

Michael Hayes clarified that the motion is to give the Town Attorney authority to move forward if the owner denies consent to access the property. After some discussion, Councilman Devine rephrased his motion to move that we instruct Michael Hayes to do the paperwork to get access to Maxon Mills from a judge, if owner consent is not forthcoming within ten days.

MOTION: C/Devine
SECOND: C/Carroll
ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE
MOTION CARRIED 5 to 0.

Supervisor Hundt mentioned that we already have two bids from structural engineers: \$2050 from Dewkett of Rhinebeck and \$2725 from Mr. Wheeler of Red Hook. Councilwoman Doyle moved that we hire Dewkett Engineering for \$2050.

MOTION: C/Doyle
SECOND: S/Hundt
ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE
MOTION CARRIED 5 to 0.

Michael Hayes mentioned that he needed the tax id # to make a written request to the owner, Sharon Daniel Kroeger.

NYS ASSOC. OF TOWNS - AUTHORIZATION TO ATTEND TRAINING

Supervisor Hundt announced that the annual conference for the Association of Towns would be held in New York City from February 20 to 23. Nine staff members will attend. A motion was made to authorize this expenditure. It was also noted that a realistic cap should be placed on the price charged for meals.

MOTION: S/Hundt
SECOND: C/Devine
ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE
MOTION CARRIED 5 to 0.

RECREATION CONTRACT WITH MILLERTON

Supervisor Hundt praised the terrific summer recreation program with Millerton. Amenia pays a small share and gets a great deal.

Supervisor Hundt moved to ratify the contract.

MOTION: S/Hundt
SECOND: C/Carroll
ROLL CALL: C/Carroll - AYE C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 5 to 0.

WEBMASTER - TOWN CLERK TO ADVERTISE

Supervisor Hundt noted that Peter Riva has created and maintained the Town of Amenia website, but it is now time to hire a webmaster. She moved that the Town Clerk be instructed to advertise for a webmaster.

MOTION: S/Hundt
SECOND: C/Carroll
ROLL CALL: C/Carroll - AYE C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 5 to 0.

PLANNING BOARD APPOINTMENTS (2)

Supervisor Hundt announced that there were two vacancies on the Planning Board, one the result of the elapsed term of Bill Flood. She moved that Bill Flood be returned to the Planning Board for a term of seven years.

MOTION: S/Hundt
SECOND: C/Doyle
ROLL CALL: C/Carroll - AYE C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 5 to 0.

Councilman Carroll moved that Gina Mignola be appointed to the Planning Board to fill the remaining four years in the term left vacant by the resignation of Ann Sanford. Councilman Carroll went on to mention Gina's experience with the law and the benefits of having a new person on the Planning Board to add balance.

MOTION: C/Carroll
SECOND: C/Russell
ROLL CALL: C/Carroll - AYE C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 5 to 0.

LOCAL LAW #2 OF 1983 - JUNK VEHICLES

Michael Hayes explained that this law refers to outdoor junk (chapter 82) and junk vehicles (chapter 116). There is a need to improve enforcement of these laws. A new local law is needed.

MOTION: C/Devine
SECOND: S/Hundt
ROLL CALL: C/Carroll - AYE C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 5 to 0.

LOCAL LAW - PROPOSED SNOW ORDINANCE / FINES

Supervisor Hundt led a discussion about the need for restricted parking on town roads as a result of snow removal operations. Michael Hayes explained that the original law allowed for towing but not for fines. The law needs to be amended to add fines. Fines in the range of \$25 to \$100 were suggested, with final agreement on a maximum fine of \$50. Michael Hayes will prepare the required paperwork for the next Town Board Workshop meeting.

SALT SHED

Supervisor Hundt reported that a survey was needed to determine if a flood plain exists on the site of the proposed salt shed. Kurt Horton has submitted a bid of \$500. Councilwoman Doyle moved that we accept this bid.

MOTION: C/Doyle

SECOND: C/Carroll

ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 5 to 0.

HIGHWAY DEPARTMENT NEW TRUCK

Councilwoman Doyle moved that Stan Whitehead be authorized to prepare bids for the purchase of a new truck. The \$165,000 authorized for this expenditure will come from account # DA0-04-5130-270.

MOTION: C/Doyle

SECOND: S/Hundt

ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 5 to 0.

TOWN CREDIT CARD AUTHORIZATION

Supervisor Hundt opened the discussion about the advantages of a town credit card. Michael Hayes clarified that a town may have a credit card if two contingencies are met:

- (1) the bank must agree to the procedure for claims certification;
- (2) the Town Board must adopt policies for use and remedies for misuse.

Michael Hayes will put together a policy for credit card usage. Supervisor Hundt stressed that the policies must be strict and the card must be kept in a locked office; perhaps only the supervisor could use the card.

TOWN COMMITTEES - APPOINTMENT OF MEMBERS

Supervisor Hundt explained that the appointment of members to the town committees should have been done at the Reorganization Meeting, but not all of the committees had a complete membership list at that time. The memberships lists are now complete and ready for adoption. There are still openings on the following committees: recreation, technology, and safety. Councilwoman Doyle read the members of the various committees and Supervisor Hundt moved the acceptance of the list.

MOTION: S/Hundt

SECOND: C/Carroll

ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE
MOTION CARRIED 5 to 0.

Councilman Devine pointed out that according to law every meeting must be open to the public. It was suggested that the calendar for committee meetings be posted on the television cable channel and on the town website.

SUPERVISOR'S REPORT

1. Bard College seminar.
2. CPIC workshop. All are encouraged to attend. Joel Russell is facilitator and planner.
3. Thanks for the road clean-up.
4. The Zoning Board of Appeals has a vacancy due to the expiration of Rudy Eshbach's term. Anyone interested is encouraged to apply.
5. The Town's End of the Year Report is in the back of the meeting room.

TOWN CLERK'S REPORT

Gail Hermosilla reported:

1. Property tax bills were mailed out early this year and are due back on February 28. Approximately 1800 bills were mailed out.
2. Storage for paper files is a major problem for the Town Clerk's office as well as the offices of Building and Zoning, Justice, Assessor, and Town Supervisor. Prices for storage units at Outback Storage start at \$65 a month for a 10 ft by 5 ft unit. It is requested that the Town Board look into securing storage for our paper files.

HIGHWAY SUPERINTENDENT'S REPORT

Stan Whithead reported:

1. Guardrails were installed for 450 feet at a cost of \$6700.
 2. Warm weather washed out dirt roads creating work for crews.
 3. The truck being replaced is a 1982 Mack.
 4. 59 town roads must be maintained.
 5. Plowing and sanding has been done as needed.
- The Town Board thanked Stan for a job well done.

WATER TREATMENT REPORT

Gary Bonds reported:

1. 3 water leaks have been fixed.

WASTE WATER COMMITTEE

Darlene Riemer reported:

1. Committee is working on a draft with language to keep everyone happy.
- Michael Hayes added that the language just needs to be polished up.

RECREATION COMMITTEE

Pete Clair reported:

1. There is only one vacancy on the Recreation Committee, but others can be active spectators.
2. Asked for resolution to hire a Recreation Director. Supervisor

Hundt said that because this creates a new position, the job description must be looked at and county personnel must be involved. Lana added that the county wants to approve the job description.

Councilman Devine moved that we go forward with this project once the county personnel issues have been worked out.

MOTION: C/Devine
SECOND: C/Russell
ROLL CALL: C/Carroll - AYE C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 5 to 0.

PUBLIC COMMENTS

1. Myrnie Hoanzl asked what steps are taken to collect unpaid taxes. Michael Hayes answered that the county pays the town for unpaid taxes.
2. Evelyn O'Connell asked about the status of Drug World. Michael Hayes explained that the Certificate of Occupancy and site plan have been approved and the letter of credit has been posted. Evelyn also commented on the removal of the fence in the Food Town shopping center.
3. Richard Wheeler voiced his opinion that the proposed site of the salt shed is probably on a flood plain. He also asked if the Highway Department equipment is protected by flood insurance.

ADJOURNMENT

MOTION: C/Devine
SECOND: C/Russell
ROLL CALL: C/Carroll - AYE C/Devine - AYE
C/Doyle - AYE C/Russell - AYE
S/Hundt - AYE
MOTION CARRIED 5 to 0.

Meeting was adjourned at _____ p.m.

Respectfully submitted,

Gail Hermosilla,
Amenia Town Clerk

Gail's home PC: E:\Town Clerk\minutes\2005-01-20.doc, 3/17/05